

AMENDED IN SENATE MAY 5, 2005

AMENDED IN SENATE MAY 3, 2005

**SENATE BILL**

**No. 968**

**Introduced by Senator Torlakson**

February 22, 2005

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An act to amend Section 65302 of the Government Code, relating to general plans.

LEGISLATIVE COUNSEL'S DIGEST

SB 968, as amended, Torlakson. Land use planning: general plans.

The Planning and Zoning Law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a ~~land use~~ *circulation* element that sets forth a statement of the standards of population density and building intensity recommended for districts and other territory covered by the plan. The act also requires that the maximum allowable residential density be consistent with the applicable zoning ordinance and the adopted general plan *consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, any military airports and ports, and other local public utilities and facilities, all correlated with the land use element of the general plan.*

~~This bill would require the land use element to identify sufficient land for housing at appropriate densities to accommodate the jurisdiction's housing needs through the end of the general plan's planning period. By increasing the duties of local public officials, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.~~

~~Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~The bill would rename the “circulation” element the “transportation” element.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes-no. State-mandated local program: yes-no.~~

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. (a) The Legislature finds and declares all of the~~  
2     ~~following:~~

3     ~~(1) Few issues facing California are as important as the state’s~~  
4     ~~ability to meet its future housing needs. The lack of an adequate~~  
5     ~~supply of housing to support population growth and economic~~  
6     ~~expansion is a critical problem that, if not resolved, threatens the~~  
7     ~~economic prosperity and competitiveness of California.~~

8     ~~(2) California’s population growth demands that California~~  
9     ~~must plan for its housing needs in a more comprehensive and~~  
10    ~~long-term fashion. Not all communities are the same.~~  
11    ~~California’s local governments face different economic, social,~~  
12    ~~political, environmental and historical conditions and, as a result,~~  
13    ~~measures enacted by the state to address land use and housing~~  
14    ~~issues should encourage local solutions that reflect local needs~~  
15    ~~and circumstances and that allow local governments to plan for~~  
16    ~~their share of the economic and housing growth of their region.~~  
17    ~~Successful solutions will require a cooperative and coordinated~~  
18    ~~problem-solving approach involving local, regional, and state~~  
19    ~~government, and the identification of fiscal solutions for cities~~  
20    ~~and counties to support the costs of public services and~~  
21    ~~infrastructure necessary to maintain a quality of life in the~~  
22    ~~community.~~

23    ~~(b) The Legislature further finds and declares all of the~~  
24    ~~following:~~

25    ~~(1) Local land use plans should include a long-range,~~  
26    ~~comprehensive perspective on the communities’ housing needs,~~  
27    ~~and encourage infill development. Sufficient funding must be~~  
28    ~~identified to enable local governments to complete necessary~~  
29    ~~planning and environmental reviews.~~

~~(2) Local land use plans should provide mechanisms and solutions to achieve the highest level of certainty regarding housing development within a community.~~

~~(3) Once designated in the general plan for residential development, the timeframe for obtaining site approvals should be streamlined.~~

~~SEC. 2. It is therefore the intent of the Legislature that California's land use planning framework comprehensively addresses these issues on a long-term basis.~~

~~SEC. 3.~~

*SECTION 1.* Section 65302 of the Government Code is amended to read:

65302. The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(a) A land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, including agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. ~~The land use element shall identify sufficient land for housing at appropriate densities to accommodate the jurisdiction's housing needs through the end of the general plan's planning period.~~ The land use element shall identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to those areas. The land use element shall also do both of the following:

(1) Designate in a land use category that provides for timber production those parcels of real property zoned for timberland production pursuant to the California Timberland Productivity Act of 1982, Chapter 6.7 (commencing with Section 51100) of Part 1 of Division 1 of Title 5.

(2) Consider the impact of new growth on military readiness activities carried out on military bases, installations, and operating and training areas, when proposing zoning ordinances

1 or designating land uses covered by the general plan for land, or  
2 other territory adjacent to military facilities, or underlying  
3 designated military aviation routes and airspace.

4 (A) In determining the impact of new growth on military  
5 readiness activities, information provided by military facilities  
6 shall be considered. Cities and counties shall address military  
7 impacts based on information from the military and other  
8 sources.

9 (B) The following definitions govern this paragraph:

10 (i) “Military readiness activities” mean all of the following:

11 (I) Training, support, and operations that prepare the men and  
12 women of the military for combat.

13 (II) Operation, maintenance, and security of any military  
14 installation.

15 (III) Testing of military equipment, vehicles, weapons, and  
16 sensors for proper operation or suitability for combat use.

17 (ii) “Military installation” means a base, camp, post, station,  
18 yard, center, homeport facility for any ship, or other activity  
19 under the jurisdiction of the United States Department of Defense  
20 as defined in paragraph (1) of subsection (e) of Section 2687 of  
21 Title 10 of the United States Code.

22 (b) A ~~circulation~~ *transportation* element consisting of the  
23 general location and extent of existing and proposed major  
24 thoroughfares, transportation routes, terminals, any military  
25 airports and ports, and other local public utilities and facilities,  
26 all correlated with the land use element of the plan.

27 (c) A housing element as provided in Article 10.6  
28 (commencing with Section 65580).

29 (d) A conservation element for the conservation, development,  
30 and utilization of natural resources including water and its  
31 hydraulic force, forests, soils, rivers and other waters, harbors,  
32 fisheries, wildlife, minerals, and other natural resources. The  
33 conservation element shall consider the effect of development  
34 within the jurisdiction, as described in the land use element, on  
35 natural resources located on public lands, including military  
36 installations. That portion of the conservation element including  
37 waters shall be developed in coordination with any countywide  
38 water agency and with all district and city agencies that have  
39 developed, served, controlled or conserved water for any purpose  
40 for the county or city for which the plan is prepared.

1 Coordination shall include the discussion and evaluation of any  
2 water supply and demand information described in Section  
3 65352.5, if that information has been submitted by the water  
4 agency to the city or county. The conservation element may also  
5 cover the following:

- 6 (1) The reclamation of land and waters.
- 7 (2) Prevention and control of the pollution of streams and  
8 other waters.
- 9 (3) Regulation of the use of land in stream channels and other  
10 areas required for the accomplishment of the conservation plan.
- 11 (4) Prevention, control, and correction of the erosion of soils,  
12 beaches, and shores.
- 13 (5) Protection of watersheds.
- 14 (6) The location, quantity and quality of the rock, sand and  
15 gravel resources.
- 16 (7) Flood control.

17 The conservation element shall be prepared and adopted no  
18 later than December 31, 1973.

19 (e) An open-space element as provided in Article 10.5  
20 (commencing with Section 65560).

21 (f) A noise element which shall identify and appraise noise  
22 problems in the community. The noise element shall recognize  
23 the guidelines established by the Office of Noise Control in the  
24 State Department of Health Services and shall analyze and  
25 quantify, to the extent practicable, as determined by the  
26 legislative body, current and projected noise levels for all of the  
27 following sources:

- 28 (1) Highways and freeways.
- 29 (2) Primary arterials and major local streets.
- 30 (3) Passenger and freight on-line railroad operations and  
31 ground rapid transit systems.
- 32 (4) Commercial, general aviation, heliport, helistop, and  
33 military airport operations, aircraft overflights, jet engine test  
34 stands, and all other ground facilities and maintenance functions  
35 related to airport operation.
- 36 (5) Local industrial plants, including, but not limited to,  
37 railroad classification yards.
- 38 (6) Other ground stationary noise sources, including, but not  
39 limited to, military installations, identified by local agencies as  
40 contributing to the community noise environment.

1 Noise contours shall be shown for all of these sources and  
2 stated in terms of community noise equivalent level (CNEL) or  
3 day-night average level ( $L_{dn}$ ). The noise contours shall be  
4 prepared on the basis of noise monitoring or following generally  
5 accepted noise modeling techniques for the various sources  
6 identified in paragraphs (1) to (6), inclusive.

7 The noise contours shall be used as a guide for establishing a  
8 pattern of land uses in the land use element that minimizes the  
9 exposure of community residents to excessive noise.

10 The noise element shall include implementation measures and  
11 possible solutions that address existing and foreseeable noise  
12 problems, if any. The adopted noise element shall serve as a  
13 guideline for compliance with the state's noise insulation  
14 standards.

15 (g) A safety element for the protection of the community from  
16 any unreasonable risks associated with the effects of seismically  
17 induced surface rupture, ground shaking, ground failure, tsunami,  
18 seiche, and dam failure; slope instability leading to mudslides  
19 and landslides; subsidence, liquefaction and other seismic  
20 hazards identified pursuant to Chapter 7.8 (commencing with  
21 Section 2690) of the Public Resources Code, and other geologic  
22 hazards known to the legislative body; flooding; and wild land  
23 and urban fires. The safety element shall include mapping of  
24 known seismic and other geologic hazards. It shall also address  
25 evacuation routes, military installations, peakload water supply  
26 requirements, and minimum road widths and clearances around  
27 structures, as those items relate to identified fire and geologic  
28 hazards.

29 (1) Prior to the periodic review of its general plan and prior to  
30 preparing or revising its safety element, each city and county  
31 shall consult the Division of Mines and Geology of the  
32 Department of Conservation and the Office of Emergency  
33 Services for the purpose of including information known by and  
34 available to the department and the office required by this  
35 subdivision.

36 (2) To the extent that a county's safety element is sufficiently  
37 detailed and contains appropriate policies and programs for  
38 adoption by a city, a city may adopt that portion of the county's  
39 safety element that pertains to the city's planning area in  
40 satisfaction of the requirement imposed by this subdivision.

1     ~~SEC. 4. The Legislature finds and declares that Sections~~  
2     ~~65104 and 66014 of the Government Code provide local agencies~~  
3     ~~with authority to levy fees sufficient to pay for the program or~~  
4     ~~level of service mandated by this act.~~

5     ~~SEC. 5. No reimbursement is required by this act pursuant to~~  
6     ~~Section 6 of Article XIII B of the California Constitution because~~  
7     ~~a local agency or school district has the authority to levy service~~  
8     ~~charges, fees, or assessments sufficient to pay for the program or~~  
9     ~~level of service mandated by this act, within the meaning of~~  
10    ~~Section 17556 of the Government Code.~~